

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER NATHANIEL  
WASHINGTON,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendant.

No. 2:20-cv-2261 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 15, 2023, the magistrate judge issued findings and recommendations, which were served on plaintiff, and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 76. Plaintiff filed objections. ECF No. 78.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis. Plaintiff's objections do not identify any error in the findings and recommendations, nor respond

1 to the stated reasons to dismiss the first claim and terminate defendant T. Meza. *See* ECF No. 78  
2 at 1. As a result, the court **adopts** the findings and recommendations.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations issued May 15, 2023 (ECF No. 76) are ADOPTED  
5 in full;

6 2. Claim One of the Fourth Amended Complaint (ECF No. 54) is DISMISSED without  
7 leave to amend;

8 3. Defendant T. Meza is TERMINATED from this action,

9 4. This action shall PROCEED solely against defendants Emerson and Codes on Claims  
10 Two and Three of the Fourth Amended Complaint (ECF No. 54) as screened (*i.e.*, First  
11 Amendment retaliation and Eighth Amendment failure to protect claims), and

12 5. This matter is referred back to the assigned magistrate judge for all pretrial  
13 proceedings.

14 DATED: July 10, 2023.

15  
16   
17 CHIEF UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28